

REMARKS

Allowable Subject Matter:

As an initial matter, Applicant sincerely thanks the Examiner for indicating that although claims 2 and 5-9 have been objected to, these claims would be allowable if written in independent form.

Claim Rejections:

Claims 1-20 are all of the claims pending in the present application, and the Examiner has rejected claims 1, 3-4 and 10-20.

35 U.S.C. § 112, 2nd Paragraph Rejection - Claims 11-20:

Claims 11-20 stand rejected under 35 U.S.C. § 112, 2nd paragraph as being indefinite. Specifically, the Examiner has asserted that there “does not appear to be sufficient structure set forth in claims 11-20 for a mere ‘retainer’ ... and a ‘lock’”. Applicant completely disagrees.

Applicant submits that a “retainer” and “lock” are well known to those of ordinary skill in the art, and one skilled in the art would have no difficulty ascertaining the scope of the present claims with the language selected. For example, on page 4 of the present application the “catch 3” is referenced on the retainer 2. One of ordinary skill in the art would be able to determine what is intended by either a “retainer” or “lock” as these terms are used in the claims.

Further, adequate disclosure is provided within the application to enable one of ordinary skill in the art to determine what is meant by both a “retainer” and a “lock.” The Examiner’s assertion is simply miss-placed.

Applicant points the Examiner to at least page 6, of the present application. The first full paragraph on page 6 (lines 9-25), describes Figure 4, which is a non-limiting exemplary embodiment of a body which holds the cord stationary. With the exemplary configuration described, “[t]he adjustment of the size of the through cross-section of the loop is thus *locked*.” Page 6, lines 19-20 (emphasis added). Thus, at least this Figures depicts on non-limiting embodiment of a retainer and/or lock.

In view of at least the foregoing, and the written description, Applicant submits that the scope and content of the present claims are clear to one of ordinary skill in the art. Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above referenced rejection under 35 U.S.C. § 112, 2nd paragraph.

Claim Objections:

Related to the above rejection, the Examiner has indicated that the claims 11-20 would be objected to under 37 C.F.R. § 1.75, if claims 1-10 are found allowable. Specifically, the Examiner is asserting that claims 1-10 have essentially the same scope as claims 11-20. Again, Applicant completely disagrees.

As is clear from the language of the claims, claims 1-10 have “means-plus-function” language in the claims. Thus, interpretation of the “retaining means” limitation is governed by 35 U.S.C. § 112, 6th paragraph. No such limitation is found in claims 11-20 and, accordingly, these claims are not governed by this statute, or the case law pertaining to this statute. Therefore, for at least this reason the scope of these claims are different.

Applicant submits that it is well settled that the scope and content of claims containing “means-plus-function” language are different than claims which do not contain such language. Any other interpretation, by the Examiner, renders the statute 35 U.S.C. § 112, 6th paragraph meaningless. Stated differently, if the scope of these claims are essentially the same, then there would have been no need to draft 35 U.S.C. § 112, 6th paragraph.

Applicant has not discovered or identified any case law which supports the Examiner’s position. If the Examiner continues to maintain the above objection, Applicant respectfully requests the Examiner provide a citation to case law which supports the Examiner’s assertion.

35 U.S.C. § 103(a) Rejection - Claims 1 and 11:

Claims 1 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,284,069 to Robertson. In view of the following discussion, Applicant respectfully traverses the above rejection.

Robertson discloses a cord 10 used to hold musical instruments. The cord 10 is passed through a slid able adjusting member 15, and in doing so creates three separate loops 11, 13 and 14. *See Figure 2.* However, none of these loops can be retained by any portion of the member 15, to create a second loop. The Examiner asserting that one of the loops 13 and/or 14 are the “second loop” of the claim. However, this is an incorrect analysis.

As is clearly shown in Figure 2, of Robertson, the rope 10 passes through the member 15 and creates three different loops 11, 13 and 14. Thus, we agree that Robertson discloses “a cord

forming a loop" and "a member on the loop, retaining two strands of the cord to form a closed loop defining an aperture".

However, there is no disclosure of a retainer or retaining means on the member which can be used to retain any portion of any of the loops 11, 13 and 14. Stated differently, none of the individual loops can be retained on the member 15. Further, the Examiner can not assert that the loop 13 is part of the loop 14 and is being "retained" because there is no disclosure in Robertson of only making the loop 14, and then making the loop 13. Each of the loops 11, 13 and 14 are individual closed loops, and none of these loops are retained additionally by the member 15.

This is further evidenced by the fact that Robertson discloses using a sliding adjustment method to change the sizes of the loops 11, 13 and 14.

In view of the forgoing, Applicant submits that Robertson fails to teach or suggest each and every feature of the present invention, as set forth in claims 1 and 11. As such, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1 and 11, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of these claims.

35 U.S.C. § 103(a) Rejection - Claims 3, 4, 10, 13, 14 and 20:

Claims 3, 4, 10, 13, 14 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson in view of the Orech and/or Strykower references (claims 3-4 and

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13-14) and in view of Teurlings (claims 10 and 20). However, as these claims depend on claims 1 and 11, respectively, and because none of the above cited secondary references cures the deficient teachings of Robertson, Applicant submits that the dependant claims are allowable, at least by reason of their dependence.

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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